

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

MICHAEL REYES-VILLANUEVA,)	Case No.: 1:24-cv-00493 JLT EPG
)	
Plaintiff,)	ORDER ADOPTING FINDINGS AND
)	RECOMMENDATIONS IN FULL, DISMISSING
v.)	CERTAIN CLAIMS AND DEFENDANTS, AND
)	DIRECTING THE CLERK OF COURT TO
TYSON POGUE, et al.,)	UPDATE THE DOCKET
)	
Defendants.)	(Doc. 16)
)	

Michael Reyes-Villanueva seeks to hold the defendants liable for violations of his civil rights while housed as a pretrial detainee at the Madera County Jail. (*See* Docs. 1, 13.) The assigned magistrate judge screened Plaintiff’s complaint pursuant to 28 U.S.C. § 1915A(a), and found Plaintiff stated cognizable claims against: (1) Defendants Dr. Gustavenson, Nurse Debbie, RN Michelle, RN Eva, RN Khloe, RN Maria, RN Victoria, and RN Kristen for violating his right to adequate medical care under the Fourteenth Amendment; and (2) Defendant Pogue for violating his right to safety under the Fourteenth Amendment. (Doc. 14.) In response to the Screening Order, Plaintiff stated that he “wishes to proceed only on the claims the Court found cognizable.” (Doc. 15 at 1.)

After receiving Plaintiff’s notice, the magistrate judge issued Finding and Recommendations, incorporating the findings made in the Screening Order and recommending the action proceed only on the cognizable claims identified. (Doc. 16 at 2-3.) Therefore, the magistrate judge also recommended all other claims and defendants be dismissed. (*Id.*)

1 The Court served the Findings and Recommendations on Plaintiff and notified him that any
2 objections were due within 30 days. (Doc. 16 at 3.) The Court advised Plaintiff that “the failure to file
3 objections within the specified time may result in the waiver of rights on appeal.” (Id., citing
4 *Wilkerson v. Wheeler*, 772 F.3d 834, 838-39 (9th Cir. 2014).) Plaintiff did not file objections, and the
5 time to do so has passed.

6 According to 28 U.S.C. § 636(b)(1), this Court performed a *de novo* review of this case. Having
7 carefully reviewed the matter, the Court concludes the Findings and Recommendations are supported
8 by the record and proper analysis. Thus, the Court **ORDERS**:

- 9 1. The Findings and Recommendations dated December 4, 2024 (Doc. 16) are
10 **ADOPTED** in full.
- 11 2. This action **SHALL** proceed only on the following claims: (1) violations of Plaintiff’s
12 right to adequate medical care under the Fourteenth Amendment against Defendants Dr.
13 Gustavenson, Nurse Debbie, RN Michelle, RN Eva, RN Khloe, RN Maria, RN Victoria,
14 and RN Kristen; and (2) violation of Plaintiff’s right to safety under the Fourteenth
15 Amendment against Defendant Pogue.
- 16 3. All other claims and defendants are **DISMISSED**.
- 17 4. The Clerk of Court is directed to terminate Sergeant Quick as a pending defendant on
18 the docket.
- 19 5. The matter is referred to the assigned magistrate judge for further proceedings.

20
21 IT IS SO ORDERED.

22 Dated: **January 8, 2025**


UNITED STATES DISTRICT JUDGE